

UNITED STATES DISTRICT COURT

for the
Southern District of OhioFILED
RICHARD W. NAGEL
CLERK OF COURT

9/8/21

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTON

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)Priority Mail Express Tracking Number EI010970733US
postmarked September 7, 2021

Case No. 3:21MJ335

APPLICATION FOR A SEARCH WARRANT BY TELEPHONE OR OTHER RELIABLE
ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Priority Mail Express Package, EI010970733US, addressed to Tommy Zheng 1116 S San Gabriel Blvd San Gabriel, CA 91776 with a return address of Branden SMithee 214 Quitman St Dayton, OHIO 45410.

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

Controlled Substances, materials and documents reflecting the distribution of controlled substances through the U.S. Mails, including money and/or monetary instruments paid for controlled substances.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☐ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

21 U.S.C. 841(a)(1)

Distribution and possession with intent to distribute a controlled substance

21 U.S.C. 846

Conspiracy to distribute/possess with intent to distribute a controlled substance

21 U.S.C. 843(b)

Use of a communication facility to commit a felony

The application is based on these facts:

SEE ATTACHED AFFIDAVIT

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Joseph L. Rossiter, U.S. Postal Inspector

Printed name and title

Sworn to before me and signed in my presence via facetime.

Date: 09/08/2021

City and state: Dayton, OH




UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF
PRIORITY MAIL EXPRESS PACKAGE
WITH TRACKING NUMBER
EI010970733US

Case No. 3:21MJ335

Filed Under Seal

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, **Joseph Rossiter**, being first duly sworn, hereby depose and state as follows:

1. I am a United States Postal Inspector and have been since May 2016. I am presently assigned to the Cincinnati Field Office of the United States Postal Inspection Service, Pittsburgh Division, with investigative responsibility for southeast Indiana and southern Ohio. Part of my responsibility involves investigating the use of the United States Mail in the transportation of narcotics, other dangerous controlled substances, and financial proceeds from, or instrumentalities used in, the sale of such narcotics and controlled substances (hereinafter, "Drugs and/or Proceeds").
2. Based on my training and experience as a United States Postal Inspector, I have become aware that drug traffickers frequently use United States Priority Mail Express (overnight) or Priority Mail (2-3-day) to transport Drugs and/or Proceeds. Additionally, as a result of prior investigations, law enforcement training, and successful controlled-substance prosecutions involving the use of the United States Mail, I have learned of certain common characteristics and/or circumstances that indicate that a package may contain Drugs and/or Proceeds. These circumstances and/or characteristics include, but are not necessarily limited to, the following: the mailer uses different post offices on the same day to send packages, the return address is false or non-existent, the addressee is not known to receive mail at the listed delivery address, the

package is heavily taped, the package is mailed from a known drug source location, the labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanate from the package, and the listed address is located in an area of known or suspected drug activity.

3. On September 7, 2021, I intercepted a package (hereinafter "the Package") at the Dayton Processing and Distribution Plant (P&DC). The Package is a Priority Mail Express Tyvek bag, bearing tracking number EI010970733US, postmarked September 7, 2021, with the following address information:

Sender: Branden SMithee
214 Quitman St
Dayton, OHio 45410

Addressee: Tommy Zheng
1116 S San Gabriel Blvd
San Gabriel, CA 91776

Through training and experience as a Postal Inspector, I know that Southern California is known drug source location.

4. I performed a check in CLEAR database for the addressee's information on the Package of "Tommy Zheng 1116 S San Gabriel Blvd San Gabriel, CA 91776." CLEAR is a law enforcement database that is used as a tool for investigators to identify person/business and address information. According to CLEAR, there is no "Tommy Zheng" associated with 1116 S San Gabriel Blvd, San Gabriel, CA 91776.

5. I also performed a check in CLEAR for the sender's information listed on the Package of "Branden SMithee 214 Quitman St Dayton, OHio 45410." According to CLEAR, there is a no "Branden SMithee" associated with 214 Quitman St, Dayton, OH 45410.

8. On September 7, 2021, at my request, Montgomery County Sheriff's Office Detective Anthony Hutson conducted a narcotics-detection canine "free air" check of the outside of the Package. I was present during said check. The Package was placed in a controlled area with several other "similar and like" USPS packages and presented to narcotics-detection canine, "Hank." As set forth in the attached affidavit of Detective Hutson, "Hank" alerted positively for the presence or odor of a narcotic or other controlled substance on the Package. *See Exhibit 1.* "Hank" is a properly trained and certified narcotics-detection canine.

9. Based on my prior law enforcement training and experience as a United States Postal Inspector, the Package's address information, including (i) no known association between the addressee and recipient address on the Package, (ii) no known association between the sender and return address on the Package, and (iii) the positive alert of the narcotics-detection canine are all indicative of and consistent with Drugs and/or Proceeds in the Package. Therefore, a search warrant to open the Package is requested.

Further, your affiant sayeth naught.

Respectfully submitted,


Joseph L. Rossiter
Postal Inspector
United States Postal Inspection Service

9th September

Subscribed and sworn to and before me this ____ day of _____, 2021.

HONORABLE SHARON L. OVINGTON
UNITED STATES MAGISTRATE JUDGE




Exhibit 1



UNITED STATES POSTAL INSPECTION SERVICE
PITTSBURGH DIVISION

OFFICER AFFIDAVIT

I, Det. Anthony Hutson, am and have been employed by the Montgomery County Sheriff's Office since 1998. Among other duties, I am currently the assigned handler of narcotics detection canine "Hank" which is trained and certified in the detection of the presence or odor of narcotics described as follows:

Cocaine, Methamphetamine, Heroin, and their derivatives

On 9/7/2021, at the request of Postal Inspector ROSSITER, I responded to the DAYTON P&DC, where "Hank" did alert to and indicate upon: [describe item]

EI 010 970 733 U.S.

Branden Smith

Tommy Zheng

214 Quitman St

1116 S San Gabriel Blvd

Dayton, Ohio 45410

San Gabriel, CA 91776

Which, based upon my training and experience and that of "Hank", indicates there is contained within or upon the above described item, the presence or odor of a narcotic or other controlled substance.

[Signature] 101 9-7-21
(Signature, Badge #, and Date)

[Signature] 9/7/21
(Witness/Date)